

REMARKS

Claims 1-13 remain pending in the application and stand rejected. Applicants respectfully request reconsideration in view of the Amendment filed February 27, 2006, as discussed more fully below.

Applicants would like to thank the Examiner, Tara L. Mayo, for the courtesies extended to Applicants' representative, David W. Dorton, during the telephone interview with the Examiner on June 16, 2006. During the telephone interview, Applicants' representative noted that the rejections of claims 1-13 based on U.S. Patent Publication 2004/0068797 to Smith et al. were improper because Smith '797 qualifies as prior art only under 35 U.S.C. §102(e). In the Amendment filed February 27, 2006, a statement of common ownership of Smith '797 and the present invention was submitted in accordance with MPEP §706.02(l)(2). During the telephone interview, the Examiner agreed that the statement concerning common ownership was properly submitted in the February 27, 2006, Amendment. Accordingly, Applicants respectfully request that the rejections of claims 1-13 be withdrawn.

Conclusion

In view of the foregoing remarks, Applicants respectfully believe this application is in condition for allowance and request allowance of the pending claims. If the Examiner believes any issue requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Application No. 10/711,754
Reply to Office Action of May 15, 2006
Response Dated June 23, 2006

Applicants do not believe that any fee is due in connection with this submission. However, if any fees are necessary to complete this communication, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /David W. Dorton/
David W. Dorton, Reg. No. 51,625

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)